

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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|-----------------|---|--|
| STATE OF TEXAS, |) | |
| Plaintiff, |) | |
| vs. |) | No. 3:20-CV-1391-M-BH |
| |) | |
| LAWRENCE HILL, |) | |
| Defendant. |) | Referred to U.S. Magistrate Judge ¹ |


RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL

Before the Court is the *Motion Seeking Leave to File Motion for In Forma Pauperis Status on Appeal and Motion Requesting In Forma Pauperis Status on Appeal to Fifth Circuit Court of Appeal at New Orleans*, received October 13, 2020 (doc. 44).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous for the reasons set forth in the findings, conclusions, and recommendation, filed in this case on June 19, 2020 (doc. 18). The request also should be denied because the movant is subject to a sanctions order prohibiting him from seeking *in forma pauperis* status in an attempt to initiate an action in this court at any time within five years from April 18, 2017.

If the Court denies the request to proceed *in forma pauperis* on appeal, the movant may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SIGNED this 23rd day of October, 2020.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

¹ By 28 U.S.C. § 636(b) and Amended Miscellaneous Order No. 6 (adopted by Special Order No. 2-59 on May 5, 2005), requests to proceed *in forma pauperis* are automatically referred.